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10/564,268	05/18/2006	Peter Vogel	10191/4275	8846
26646 7590 07/29/2010 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
WENDELL, ANDREW				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,268

Applicant(s)

VOGEL ET AL.

Examiner

ANDREW WENDELL

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 16-18 and 20-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 16-18 and 20-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14, 16-18, 20-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 14, 25-26, and 38, the examiner is unclear what applicant means by limitation "wherein each display adaptation has a substantially different non-zero wireless data transmission requirement". The examiner has a hard time getting understanding of this limitation through the specification or the claim itself.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 16-18, 20, 24, 27-28, 30-31, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Odinak (US Pat Pub# 20080147401) and further in view of Rajkotia et al. (US Pat Pub# 2004/0121774) and further in view of Kalavade et al. (US Pat# 7,239,632).

Regarding claims 14 and 38, Andreas teaches a method for operating multimedia and/or telematics services 11, 12, or 13 (Fig. 1) in a motor vehicle 10 (Fig. 1),

comprising providing the services in a speed-dependent manner (Page 4 line 3-Page 5 line 15) wherein at least one service uses at least one input medium (Page 4 line 3-Page 5 line 15, i.e. receiving phone call or operating panel for the car radio), at least one service uses at least one output medium (Page 4 line 3-Page 5 line 15, i.e. making phone call or audio output from radio or output from navigation system), the providing of the service includes providing at least one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.) and a representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user interface in order to be able to use the components) present in the motor vehicle 10 (Fig. 1). Andreas fails to teach a video output medium, operating with a different protocol, and selecting based on speed.

Odinak teaches at least one video output medium that includes at least two display adaptations of one service 82 or 84 or 86 or 88 (Fig. 3 and Section 0019); and performing a speed-dependent adaptation of the at least one video output medium 82 or 84 or 86 or 88 (Fig. 3 and Section 0019).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a video output medium as taught by Odinak into Andreas vehicle controls in order to minimize dangerous distractions which improves safety (Section 0004).

Andreas and Odinak fail to teach operating with a different protocol and selecting based on speed.

Rajkotia teaches providing a plurality of services requiring wireless data transmission (Section 0040, sports, streaming, internet, etc.); determining a speed of the motor vehicle 605 (Fig. 6); selecting a transmission network from a plurality of transmission networks, wherein the selecting is based on the speed 620 and 625 (Fig. 6, choose which base station network is best based on the speed); and wherein each adaptation has a substantially different non-zero wireless data transmission requirement (Fig. 6).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate selecting based on speed as taught by Rajkotia into a video output medium as taught by Odinak into Andreas vehicle controls in order to improve handoff performance (Sections 0012-0013).

Andreas, Odinak, and Rajkotia fail to teach operating with a different protocol.

Kalavade teaches selecting a transmission network from a plurality of transmission networks, each operating with a different protocol (Col. 4 lines 26-52, LAN and WAN technology).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate operating with a different protocol as taught by Kalavade into selecting based on speed as taught by Rajkotia into a video output medium as taught by Odinak into Andreas vehicle controls in order to increase coverage so service is not interrupted (Col. 2 lines 20-37).

Regarding claim 16, the combinations including Andreas teaches wherein the selection of the services includes a prioritization of predetermined services (based on vehicle speed can have priority on services, i.e. higher priority to receive calls when vehicle is below 130Km/h than when over 130Km/h the priority of receiving calls are lowered) over other services that are also available (Page 4 line 3-Page 5 line 15).

Regarding claim 17, the combination including Andreas teaches performing a speed-dependent selection from among the at least two (Page 4 line 3-Page 5 line 15) input mediums (Page 4 line 3-Page 5 line 15, i.e. receiving phone call or operating panel for the car radio) for an operator control of the at least one service that uses the at least two input mediums.

Regarding claim 18, the combination including Odinak teaches performing a speed-dependent selection from among the at least two output mediums for a representation of the at least one service that uses the at least two output mediums (Figs. 2 and 3 and Section 0019).

Regarding claim 20, the combination including Andreas teaches performing a control involving a selection, based at least in part on the speed of the vehicle of a suitable form of representation of contents (car phone, car radio, navigation system) provided by the particular service on an output medium (Page 4 line 3-Page 5 line 15).

Regarding claim 22, the combination including Odinak teaches suppressing predetermined functions of predefined associated control elements (Figs. 2 and 3 and Section 0019).

Regarding claim 24, the combination including Andreas teaches performing a control in at least one of a location-dependent manner and a context-dependent manner (page 7 lines 7-11).

Regarding claim 27, the combination including Odinak teaches adapting the video output medium in a manner controlled by a speed by changing a character display size on the video output medium (Figs. 2 and 3 and Section 0019).

Regarding claim 28, the combination including Odinak teaches adapting the video output medium in a manner controlled by a speed by replacing text with graphical information (Figs. 2 and 3 and Sections 0019-0021).

Regarding claim 30, the combination including Odinak teaches wherein the video output medium is configured to display computer generated graphics (Figs. 2 and 3 and Section 0019).

Regarding claim 31, the combination including Odinak teaches adapting an output medium in a manner controlled by a speed by performing at least the following changing a character display size on the output medium; and replacing text with graphical information (Figs. 2 and 3 and Section 0019).

Regarding claim 39, Kalavade further teaches wherein the service management unit causes the at least one video output medium to operate in a state requiring a low data transmission rate when the speed is higher than a speed threshold, and wherein the service management unit causes the at least one video output medium to operate in a state requiring a high data transmission rate when the speed is lower than the speed threshold (Col. 4 lines 26-52).

5. Claims 21, 29, 32-33, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Odinak (US Pat Pub# 20080147401) and further in view of Rajkotia et al. (US Pat Pub# 2004/0121774) and further in view of Kalavade et al. (US Pat# 7,239,632) and further in view of Wawra et al. (US Pat# 6,714,860).

Regarding claim 21, Andreas in view of Odinak and further in view of Rajkotia and further in view of Kalavade teaches the limitations in claim 14. Andreas, Rajkotia, Kalavade, and Odinak fail to teach providing controlled selection of advertisements as a function of the speed.

Wawra teaches an output medium in a manner controlled by a speed by providing controlled selection of advertisements as a function of the speed (Col. 2 lines 54-59).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate providing controlled selection of advertisements as a function of the speed as taught by Wawra into operating with a different protocol as taught by Kalavade into selecting based on speed as taught by Rajkotia into a video output medium as taught by Bread into Andreas vehicle controls in order to improve navigation device with more views (Col. 1 lines 20-25).

Regarding claim 29, Wawra further teaches adapting the video output medium in a manner controlled by a speed by providing a controlled selection of advertisements as a function of the speed (Col. 2 lines 54-59).

Regarding claims 32 and 35, Odinak further teaches performing a control involving a selection, based at least in part on the speed of the vehicle, of a suitable form of representation of contents provided by the particular service on the at least one video output medium (Figs. 2 and 3 and Section 0019); and performing a speed-dependent selection from among the at least two input mediums for an operator control of the at least one service that uses the at least two input mediums (Figs. 2 and 3 and Section 0019); wherein the selection of the services includes a prioritization of predetermined services over other services that are also available, and wherein at least one service uses at least two input mediums (Figs. 2 and 3 and Section 0019). Andreas and Odinak fail to teach providing controlled selection of advertisements as a function of the speed.

Wawra teaches adapting an output medium in a manner controlled by a speed by providing a controlled selection of advertisements as a function of the speed (Col. 2 lines 54-59).

Regarding claims 33 and 36, Odinak further teaches suppressing predetermined functions of predefined associated control elements (Figs. 2 and 3 and Section 0019).

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Odinak (US Pat Pub# 20080147401) and further in view of Rajkotia et al. (US Pat Pub# 2004/0121774) and further in view of Kalavade et al. (US Pat# 7,239,632) and further in view of Toshio (JP 06-61923).

Regarding claim 23, Andreas in view of Odinak and further in view of Rajikotia and further in view of Kalavade teaches the limitations in claim 14. Andreas, Rajikotia, Kalavade, and Yamanaka fail to teach selecting a transmission medium.

Toshio teaches selecting a transmission medium (selecting the correct base station to transmit based on speed) for communication and setting corresponding service parameters as a function of a speed (Figs. 2 and Section 0009).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate selecting a transmission medium as taught by Wakabayashi into operating with a different protocol as taught by Kalavade into selecting based on speed as taught by Rajkotia into a video output medium as taught by Odinak into Andreas's vehicle controls in order to reduce deterioration of the speech quality (Purpose).

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Damiani et al. (US Pat# 6,667,726) and further in view of Odinak (US Pat Pub# 20080147401) and further in view of Rajkotia et al. (US Pat Pub# 2004/0121774).

Regarding claim 25, Andreas teaches a vehicle information system (Fig. 2) for operating services including at least one of multimedia services and telematics services 11, 12, or 13 (Fig. 1) and associated user interfaces in a motor vehicle 10 (Fig. 1), comprising a service management unit 15 (Fig. 1) connectable to a) a device for one of measuring and displaying an instantaneous vehicle speed 17.1 and 17.2 (Fig. 1 and Page 3), and b) a user interface 11, 12, or 13 (Fig. 1) for providing the services in a

speed-dependent manner (Page 4 line 3-Page 5 line 15, i.e. controlling based on speed for making calls, operability of the car radio, incoming calls, navigation announcements, etc.), wherein the providing of the service includes providing at least one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.) and a representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user interface in order to be able to use the components) present in the motor vehicle 10 (Fig. 1). Andreas fails to clearly teach measuring instantaneous speed (even though it would be obvious), a video output medium, and adaptation being substantially different non-zero wireless transmission.

Damiani teaches a device for one of measuring and displaying an instantaneous vehicle speed (Col. 3 lines 25-30).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate measuring instantaneous speed as taught by Damiani into Andreas's vehicle controls in order to increase visibility and therefore increase safety (Col. 1 lines 28-47).

Andreas and Damiani fail to teach a video output medium and adaptation being substantially different non-zero wireless transmission.

Odinak teaches a video output medium to display information about at least one service and the providing includes adapting the display 82 or 84 or 86 or 88 (Fig. 3 and Section 0019) of information in a speed-dependent manner, where the display and the

adapted display provide information about an active state of a service 82 or 84 or 86 or 88 (Fig. 3 and Section 0019).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a video output medium as taught by Odinak into measuring instantaneous speed as taught by Damiani into Andreas's vehicle controls in order to minimize dangerous distractions which improves safety (Section 0004).

Andreas, Damiani, and Odinak fail to teach adaptation being substantially different non-zero wireless transmission.

Rajkotia teaches wherein each adaptation has a substantially different non-zero wireless data transmission requirement (Fig. 6).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate adaptation being substantially different non-zero wireless transmission as taught by Rajkotia into a video output medium as taught by Odinak into measuring instantaneous speed as taught by Damiani into Andreas's vehicle controls in order to improve handoff performance (Sections 0012-0013).

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Odinak (US Pat Pub# 20080147401) and further in view of Rajkotia et al. (US Pat Pub# 2004/0121774).

Regarding claim 26, Andreas teaches a service management unit 15 (Fig. 1) for use in an operation of multimedia and/or telematics services 11, 12, or 13 (Fig. 1) and

associated user interfaces, in a motor vehicle 10 (Fig. 1), comprising a control unit 15 (Fig. 1) for analyzing information on a vehicle speed (Page 3) and being configured for providing the services in a speed-dependent manner (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.), wherein the providing of the service includes providing at least one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.) and a representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user interface in order to be able to use the components) present in the motor vehicle 10 (Fig. 1). Andreas fails teach a visual output medium and adaptation being substantially different non-zero wireless transmission.

Odinak teaches a video output medium to display information about at least one service 82 or 84 or 86 or 88 (Fig. 3 and Section 0019), and the providing includes adapting the display of information 82 or 84 or 86 or 88 (Fig. 3 and Section 0019) in a speed-dependent manner, where the display and the adapted display provide information about an active state of a service 82 or 84 or 86 or 88 (Fig. 3 and Section 0019).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a video output medium as taught by Odinak into Andreas vehicle controls in order to minimize dangerous distractions which improves safety (Section 0004).

Andreas and Odinak fail to teach adaptation being substantially different non-zero wireless transmission.

Rajkotia teaches wherein each adaptation has a substantially different non-zero wireless data transmission requirement (Fig. 6).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate adaptation being substantially different non-zero wireless transmission as taught by Rajkotia into a video output medium as taught by Odinak into Andreas vehicle controls in order to improve handoff performance (Sections 0012-0013).

9. Claims 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Odinak (US Pat Pub# 20080147401) and further in view of Rajkotia et al. (US Pat Pub# 2004/0121774) and further in view of Kalavade et al. (US Pat# 7,239,632) and further in view of Wawra et al. (US Pat# 6,714,860) and further in view of Toshio (JP 06-61923).

Regarding claims 34 and 37, Andreas in view of Odinak and further in view of Rajkotia and further in view of Kalavade and further in view of Wawra teaches the limitations in claims 14 and 32-33. Andreas, Rajkotia, Kalavade, Wawra, and Odinak fail to teach selecting a transmission medium.

Toshio teaches selecting a transmission medium (selecting the correct base station to transmit based on speed) for communication and setting corresponding service parameters as a function of a speed (Figs. 2 and Section 0009).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate selecting a transmission medium as taught by Wakabayashi into providing controlled selection of advertisements as a function of the speed as taught by Wawra into operating with a different protocol as taught by Kalavade into selecting based on speed as taught by Rajkotia into a video output medium as taught by Odinak into Andreas's vehicle controls in order to reduce deterioration of the speech quality (Purpose).

Response to Arguments

10. Applicant's arguments with respect to claims 14, 16-18, and 20-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 8:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Wendell/
Examiner, Art Unit 2618

7/17/2010